

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04040
I-1 Industrial to R-5 Residential

PROPOSAL: Change the zoning from I-1 Industrial to R-5 Residential to support a special permit for a domiciliary care facility.

LOCATION: 58th Street and Colfax Avenue

LAND AREA: 2.88 acres, more or less.

CONCLUSION: This change of zone generally conforms to the Comprehensive Plan.

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| <u>RECOMMENDATION:</u> | Approval |
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 7-12, Block 116, Havelock, along with the E ½ of vacated N. 57th Street, the north 50' of vacated Colfax Avenue, and the S ½ of the vacated east-west alley adjacent thereto; Lots 1-6, Block 141, Havelock, along with the N ½ of the vacated east-west alley, the south 30' of vacated Colfax Avenue, and the E ½ of vacated N. 57th Street adjacent thereto; all located in Section 9 T10N R7E, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Vacant warehouse and office.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|--|-----------------|
| North: | Warehouse and distribution facility | I-1 Industrial |
| South: | Legacy Gardens domiciliary care facility | R-5 Residential |
| East: | Commercial | I-1 Industrial |
| West: | Warehouse and commercial | I-1 Industrial |

ASSOCIATED APPLICATIONS: Special Permit #04032 domiciliary care facility
Street Vacation #04009 58th Street; Colfax to bike trail

HISTORY:

May 1979 The update changed the zoning on this property from K Light Industrial to I-1 Industrial.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows this area as Industrial. (F 25)

Overall Population Growth Projections indicate a significant demographic trend is the continuing growth in the area's senior population. Issues relating to an aging population will increase in importance as more and more individuals reach the age of 65 and above. Over the next twenty five years, this segment of the community will similarly grow in number and as a percent of the overall population base. This will place greater emphasis on the unique transportation, housing, economic, and recreational needs of this expanding demographic segment. (F 6)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

Plan for sufficient and varied choices for the location of elderly housing. Encourage elderly housing to locate in areas designated for mixed-uses where the elderly housing would serve as a transitional use to less intensive residential development. (F 72)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies Colfax Avenue and North 58th Street as Local Streets, both now and in the future. (E 49, F 103)

ALTERNATIVE USES: This site could be used for any permitted use in the I-1 Industrial zoning district.

ANALYSIS:

1. This is a request to change the zoning from I-1 Industrial to R-5 Residential to support a special permit for a domiciliary care facility.
2. A review process for change of zone proposals is not defined within the Zoning Ordinance nor Comprehensive Plan. However, Neb. Rev. Stat. §15-902 provides a list of considerations traditionally utilized for such reviews.
 - a. **Safety from fire, flood and other dangers.**
Due to the I-1 Industrial zoning that will border this property on three sides, there is a concern over potential exposure to hazardous materials, especially since the proposed use of the property is a domiciliary care facility for Alzheimer's patients and an assisted living facility.

- b. Promotion of the public health, safety, and general welfare.**
Same concern as raised above.
 - c. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.**
The property immediately south is used as a domiciliary care facility. The industrial zoning in the vicinity is generally a narrow band that followed the uses existing at the time of the zoning update. The larger area is predominantly zoned residential.
 - d. Conservation of property values.**
It is difficult to determine the effect a change of zoning will have on property values. In this case, there is nearby property zoned either industrial or residential. The impact on property values between these zoning designations will likely be indirectly proportional; that is, if industrial values drop residential values may rise, and vice versa.
 - e. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**
The Comprehensive Plan identifies this area as Industrial. However, this designation generally followed existing development patterns at the time. This property appears to have been undeveloped or vacant for some time. Changing the zoning to residential is consistent with zoning in the larger area around this site.
3. The Health Department does not support locating susceptible populations adjacent to industrial zoning due to the potential for exposure to hazardous materials. They recommend if this change is approved, a 300 foot buffer should be required to separate the residents and the industrial zoning, and an evacuation plan should be developed. These concerns have been addressed in the special permit application.
4. This change of zone is necessary for the proposed domiciliary care facility.

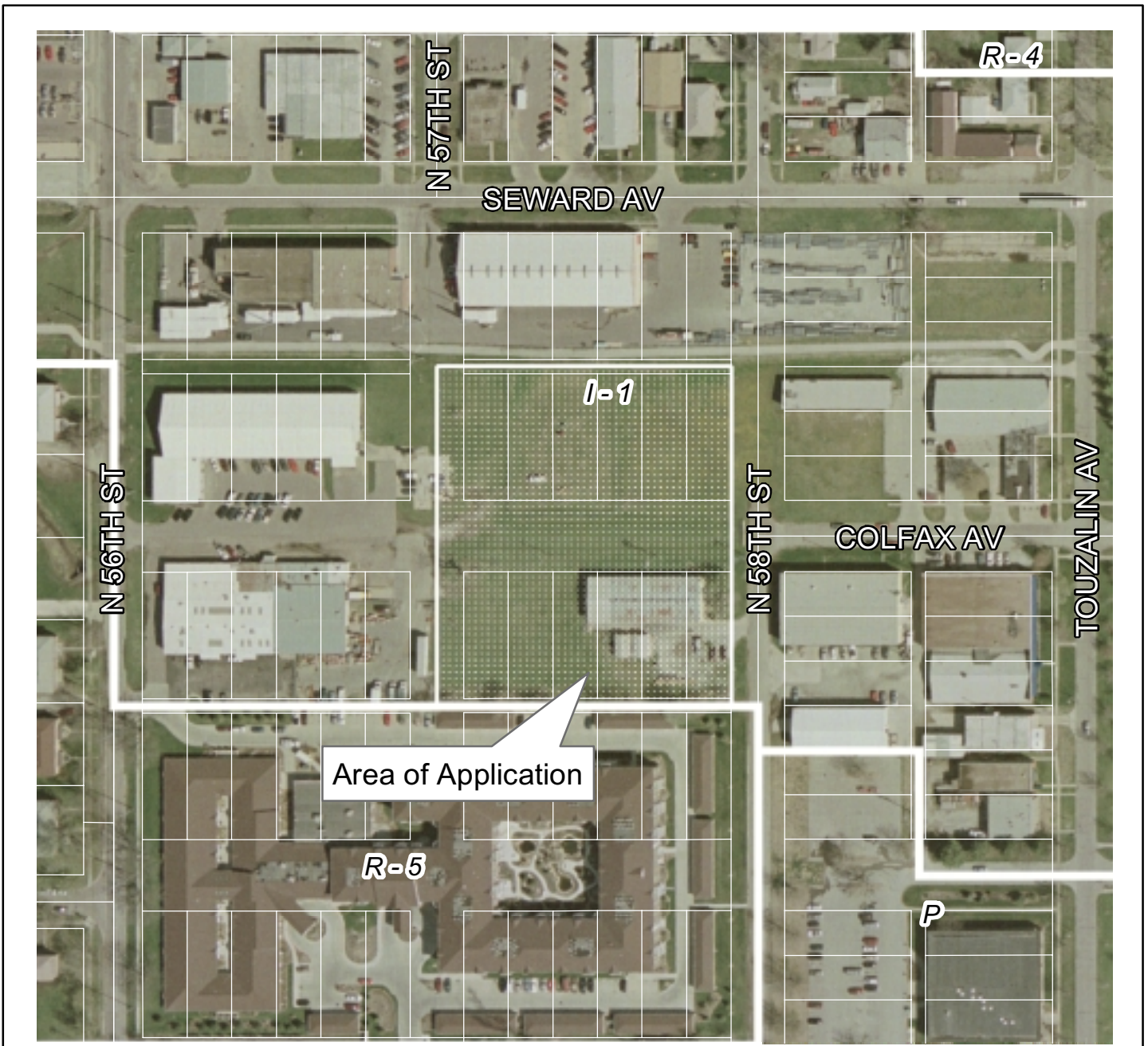
Prepared by:

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Planner

Date: June 23, 2004

**Applicant
and
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2002 aerial

Change of Zone #04040 N. 58th St. & Colfax Ave.

Havelock Ave.

Zoning:

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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

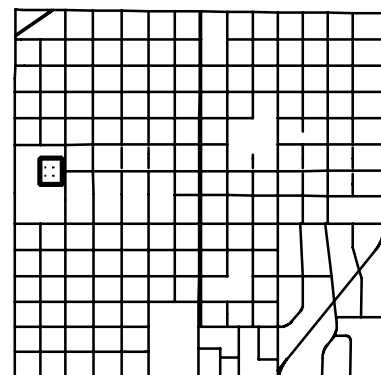
One Square Mile
Sec. 9 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

N. 56th St.



N. 70th St.

Adams St.

Lincoln City - Lancaster County Planning Dept.

